

1 GLYNN & FINLEY, LLP
2 ROBERT C. PHELPS, Bar No. 106666
3 One Walnut Creek Center
4 100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596
Telephone: (925) 210-2800
Facsimile: (925) 945-1975
Email: bphelps@glynnfinley.com

5 Attorneys for Defendant
6 Chevron U.S.A. Inc.

7 BLEAU/FOX, A P.L.C.
8 THOMAS P. BLEAU Bar No. 152945
9 MARTIN FOX Bar No. 155783
10 MEGAN CHILDRESS Bar No. 266926
11 3575 Cahuenga boulevard, Suite 580
Los Angeles, CA 90068
Telephone: (323) 874-8613
Facsimile: (323) 874-1234
Email: bleaushark@aol.com

12 Attorneys for Plaintiff
TRANSBAY AUTO SERVICE, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

25 This matter is currently set for a Case Management Conference on August 5, 2011, at
26 3:00 p.m.. By this Stipulation and Proposed Order, and for the reasons set forth in the
27 Declaration of Robert C. Phelps, submitted herewith, defendant CHEVRON U.S.A. INC.

1 ("Chevron") requests that the Case Management Conference be continued (or advanced) to a new
2 date convenient to the Court. Counsel for plaintiff does not object to this request. The parties
3 have inquired of the Court's staff and have been advised that the Court would be able to hear this
4 matter on September 2, 2011, at 3:00 p.m. That date and time is acceptable to both parties,
5 provided telephonic appearances will be accepted.

6 Dated: July 21, 2011

7 GLYNN & FINLEY, LLP
ROBERT C. PHELPS

8

9 By /s/ Robert C. Phelps
10 Robert C. Phelps

11 Attorneys for Defendant
Chevron U.S.A. Inc.

12 Dated: July __, 2011

13 BLEAU/FOX A P.L.C.
THOMAS P. BLEAU

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15 By _____

16 Attorneys for Plaintiff
17 Transbay Auto Service, Inc.

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1 ("Chevron") requests that the Case Management Conference be continued (or advanced) to a new
2 date convenient to the Court. Counsel for plaintiff does not object to this request. The parties
3 have inquired of the Court's staff and have been advised that the Court would be able to hear this
4 matter on September 2, 2011, at 3:00 p.m. That date and time is acceptable to both parties,
5 provided telephonic appearances will be accepted.

6 Dated: July __, 2011

7 GLYNN & FINLEY, LLP
8 ROBERT C. PHELPS

9 By _____
10 Robert C. Phelps

11 Attorneys for Defendant
12 Chevron U.S.A. Inc.

Dated: July 21, 2011

13 BLEAU/FOX A P.L.C.
14 THOMAS P. BLEAU
15 SAMUEL T. REES

16 By 
17 Samuel T. Rees

18 Attorneys for Plaintiff
19 Transbay Auto Service, Inc.

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1 DECLARATION OF ROBERT C. PHELPS

2 I, ROBERT C. PHELPS, hereby state under penalty of perjury as follows:

3 1. I am an attorney licensed to practice before this Court and all courts of the State of
4 California. I am associated with the law firm of Glynn & Finley LLP, counsel for Defendant
5 Chevron U.S.A. Inc. ("Chevron") in this matter. I have personal knowledge of the matters set
6 forth herein and submit this declaration in support of Chevron's request to change the date set for
7 the further Case Management Conference in this matter.

8 2. The Court will recall that this Case Management Conference was set following
9 the mistrial caused by my medical emergency, incapacitation and emergency abdominal surgery
10 on June 20-21, 2011. I was hospitalized and on heavy medication until late in the day on June
11 23, 2011. I understand that the Court set this hearing date on June 22, 2011, while I was still
12 hospitalized.

13 3. I have handled all aspects of this case personally since its inception, with the sole
14 exception of the hearings held while I was hospitalized. I conducted all written discovery, took
15 and defended all depositions, wrote and argued all motions, and attended all hearings and
16 conferences in this case (including all settlement conferences) as Chevron's counsel.

17 4. When the Court set the Case Management Conference for August 5, 2011,
18 counsel who represented Chevron in my absence was unaware of my schedule for early August,
19 2011.

20 5. My daughter is entering the Freshman class at Bard College in Annandale-On-
21 Hudson, NY, in August. She is required to be on-campus by August 7, 2011. Her classes start
22 on August 8, 2011 (*see* "Summer 2011" academic calendar at:
23 <http://www.bard.edu/academics/calendar/>).

24 6. I have long planned to take her to Bard to get her settled in for her first year of
25 school. I have non-refundable airline tickets to take my daughter to college, leaving SFO on
26 August 5, 2011, at 7:06, a.m., on United Flight 620, to New York City. Because of the logistics
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1 of getting to Annandale-On-Hudson, NY, in time for my daughter's dorm check-in deadline, it is
2 impractical for us to leave for New York later than the morning of August 5, 2011.

3 7. On July 18, 2011, I met with Dr. Matthew Dixon, M.D., the surgeon at Kaiser
4 Permanente in Oakland, CA, who did my surgery on June 21, 2011. At that meeting, Dr. Dixon
5 cleared me to travel with my daughter to New York City.

6 8. When I realized that the Case Management Conference conflicted with my
7 daughter's college start date, I advised Transbay's counsel, Mr. Rees, of the conflict. Mr. Rees
8 indicated that he did not object to changing the date of the Case Management Conference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 21st day of July, 2011, in Walnut Creek, California.

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/s/ Robert C. Phelps
Robert C. Phelps

1 [PROPOSED] ORDER
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3 Based upon the parties' stipulation and for the reasons set forth in the Declaration of
4 Robert C. Phelps, the Case Management Conference in this matter, currently set for August 5,
5 2011, is hereby rescheduled to 9/2, 2011, at 3 p.m.
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IT IS SO ORDERED.

Dated: July 21, 2011.



Hon. Susan Illston
U.S. District Judge

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